

EXHIBIT A

Cause No. C2015-1125A
*James Orley Miller, Jr. v. Transport Depot Produce and Dry, Inc.,
Julio A. Galvez, and Lazaro Rodriguez*
22nd Judicial District, Comal County Texas

INDEX OF STATE COURT FILING DOCUMENTS

1. 07/27/2015 Plaintiff's Original Petition, Rule 193.7 Notice and Request for Disclosures
2. 07/28/2015 Letter for Service
3. 07/30/2015 Civil Case Information Sheet
4. 07/31/2015 Citation Issued as to Defendant Julio A. Galvez
5. 07/31/2015 Citation Issued as to Defendant Lazaro Rodriguez
6. 07/31/2015 Citation Issued as to Defendant Transport Depot Produce and Dry, Inc.
7. 09/03/2015 Notice of Deposition by Written Questions to Sanjel Oil Company
8. 09/14/2015 Defendants, Transport Depot Produce and Dry, Inc., Julio A. Galvez, and Lazaro Rodriguez's Original Answer

JAMES ORLEY MILLER, Jr. vs. Transport Depot Produce and Dry Inc., LAZARO RODRIGUEZ, JULIO A GALVEZ

Type Injury or Damage - Motor Vehicle

Events[Previous](#)[Next](#)

Date	Type and Comment
07/27/2015	ORIGINAL PETITION (OCA) Petition
07/28/2015	LETTER FOR SERVICE
07/30/2015	CIVIL CASE INFORMATION SHEET
07/31/2015	SERVICE CITATION ISSUED - JULIO GALVEZ
07/31/2015	SERVICE CITATION ISSUED - LAZARO RODRIGUEZ
07/31/2015	SERVICE CITATION ISSUED - TRANSPORT DEPOT PRODUCE AND DRY INC.
09/03/2015	NOTICE 70618- Deposition by Written Questions to Sanjel Oil Company



Suite 201, Miami Lakes, Florida 33016. It can be served with process by serving its registered agent, Julio Galvez, at 8040 NW 155th Street, Suite 201, Miami Lakes, Florida 33016.

4. Defendant Lazaro Rodriguez (hereinafter referred to as Rodriguez) is an individual residing in Dade County, Florida and may be served with process at his residence address, 5133 SW 149th Pl, Miami, Florida 33185.

5. Defendant Julio A. Galvez (hereinafter referred to as Galvez) is an individual residing in Dade County, Florida and may be served with process at his residence address, 13490 SW 40th Lane, Miami, Florida 33175, or alternatively at his business address, 8040 NW 155th Street, Suite 201, Miami Lakes, Florida 33016.

III.

JURISDICTION AND VENUE

6. The subject matter in controversy is within the jurisdictional limits of this court. This court has jurisdiction over the parties because Defendants conduct business in the State of Texas.

7. Venue in Comal County is proper in this cause under Section 15.002(a) (1) of the Texas Civil Practice and Remedies Code because Defendants conduct business in Comal County and because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in Comal County, Texas.

IV.

FACTS

8. On September 12, 2014, Plaintiff, James Miller was lawfully operating a 2007 Pontiac Solstice. At the same time, the Defendant Lazaro Rodriguez was operating a 2005 Freightliner 18 wheeler, tractor trailer rig owned and maintained by Defendant Transport. Mr. Miller was legally

traveling southeast in the 100 block of Conrad's Lane. The Defendant Rodriguez was preparing to exit from a private drive owned by TA Petro Shopping Centers, TA New Braunfels, onto Conrad's Lane in a southeasterly direction. Defendant Rodriguez failed to yield the right of way to Mr. Miller's oncoming car and pulled directly from the private drive into the path of Mr. Miller's oncoming car. Mr. Miller's automobile collided with the cab of the 2005 Freightliner.

9. Plaintiffs would show unto the Court that Defendant Lazaro Rodriguez was acting in the course and scope of his employment for Defendants Transport and Galvez at the time of the occurrence. Pleading alternatively, Plaintiffs would show that Defendants Transport and Galvez negligently entrusted the subject 2003 Freightliner 18 wheeler to the Defendant Lazaro Rodriguez.

10. This collision between Defendant's and Plaintiff's vehicle caused Plaintiffs to sustain injuries to their respective bodies, as more fully set forth below.

V.

PLAINTIFF'S CLAIMS OF NEGLIGENCE, NEGLIGENT ENTRUSTMENT, AND GROSS NEGLIGENCE AGAINST DEFENDANTS TRANSPORT DEPOT PRODUCE AND DRY INC. AND JULIO A. GALVEZ

11. Plaintiffs hereby incorporate each of the foregoing paragraphs herein as if set forth in full in this section.

12. Defendant Lazaro Rodriguez, as agent and employee of Defendants Transport and Galvez had a duty to exercise the degree of care that a reasonably careful person would use to avoid harm to others under circumstances similar to those described herein.

13. Plaintiffs injuries were proximately caused by Defendant Lazaro Rodriguez's negligent, careless and reckless disregard of said duty while in the course and scope of his employment for Defendants Transport and Galvez.

14. At the time of the occurrence in question and immediately prior thereto, Lazaro Rodriguez was within the course and scope of his employment with Defendants Transport and

Galvez.

15. At the time of the occurrence in question and immediately prior thereto, Lazaro Rodriguez was engaged in the furtherance of Defendants Transport and Galvez's business.

16. At the time of the occurrence in question and immediately prior thereto, Lazaro Rodriguez was engaged in accomplishing a task for which he was employed by Defendants Transport and Galvez.

17. Plaintiff invokes the doctrine of Respondeat Superior against Defendants Transport and Galvez.

18. Defendant Transport is also negligent in one or more of the following respects:

- a. Negligent hiring of Lazaro Rodriguez;
- b. Negligent training of Lazaro Rodriguez;
- c. Negligent supervision and monitoring of Lazaro Rodriguez;
- d. Negligent retention of Lazaro Rodriguez;
- e. Negligent entrustment of Defendants Transport and Galvez's truck to Lazaro Rodriguez.
- f. Defendants Transport and Galvez failed to properly maintain the vehicle involved in the incident;
- g. Defendants Transport and Galvez failed to adequately inspect the vehicle for the prevention of collisions by their employees;
- h. Defendants Transport and Galvez failed to implement adequate safety programs for the prevention of collisions by their employees in violation of motor carrier fleet industry standards;
- i. Defendants Transport and Galvez failed to have an adequate safety program in place to ensure that an effective ongoing monitoring and training of its drivers occurred;
- j. Defendants Transport and Galvez placed a driver on the road knowing that the driver was impaired and that such impairment could in all likelihood

cause serious injury to others in the event of an accident like that which occurred;

19. As described herein, Defendants Transport and Galvez were negligent on the occasion in question and such negligence was the proximate cause of Plaintiff's injuries and damages.

20. Each of these acts and/or omissions of each of the Defendants, whether taken singularly or in any combination constitute negligence, negligence per se, gross negligence and malice which proximately caused the collision and injuries and other losses as specifically set forth herein, all of which Plaintiff suffered and which he will continue to suffer in the future, if not for the remainder of his natural life, and the damages and other losses to Plaintiff.

VI.

PLAINTIFF'S CLAIMS OF NEGLIGENCE, NEGLIGENCE PER SE AND GROSS NEGLIGENCE AGAINST DEFENDANT LAZARO RODRIGUEZ

21. Defendant Rodriguez had a duty to exercise the degree of care that a reasonably careful person would use to avoid harm to others under circumstances similar to those described herein.

22. Plaintiff injuries were proximately caused by Defendant Rodriguez's negligent, careless, and reckless disregard of said duty.

23. The negligent, careless and reckless disregard of duty by Defendant Rodriguez as employee and agent of Defendants Transport and Galvez consisted of, but is not limited to, the following acts and omissions:

- a. in failing to keep a proper lookout or such lookout, which a person of ordinary prudence would have maintained under same or similar circumstances;
- b. in driving his vehicle at a rate of speed which was greater than that which an ordinary person would have driven under the same or similar circumstances, in violation of Texas Transportation Code §545.351.

- c. in failing to maintain an assured clear distance between the vehicle Plaintiffs were in and Defendants' vehicle which would permit Defendant to bring his vehicle to a safe stop without colliding with vehicles, including Plaintiffs' vehicle, in violation of Texas Transportation Code §545.062;
- d. in failing to timely apply the brakes of his vehicle in order to avoid the collision in question;
- e. in failing to turn his vehicle in an effort to avoid the collision in question;
- f. in failing to drive defensively to avoid an emergency;
- g. in failing to make safe decisions while driving;
- h. in failing to blow his horn to warn of imminent collision;
- i. in driving his vehicle in violation of Sec. 545.155 et seq of the Texas Transportation Code in failing to yield the right-of-way to a vehicle approaching on the highway to be entered; and,
- j. in driving his vehicle in willful or wanton disregard for the safety of persons and/or property, including Plaintiffs and their vehicle in violation of Texas Transportation Code §545.401;

24. Each of these acts and/or omissions by the Defendants whether taken singularly or in any combination constitutes negligence, negligence per se and gross negligence which proximately caused the collision and injuries and other losses as specifically set forth herein, all of which Plaintiffs suffered and which Plaintiff s will continue to suffer in the future, if not for the remainder of their natural lives, and the damage and other losses to Plaintiffs.

25. As described herein, the Defendants were negligent on the occasion in question and such negligence was the proximate cause of Plaintiff's injuries and damages.

VII. DAMAGES FOR PLAINTIFF

26. As a direct and proximate result of the collision and the negligent conduct of the Defendants, Plaintiff suffered severe bodily injuries to his head, neck, back, shoulders, and other

parts of his body generally. The injuries have had a serious effect on the Plaintiffs health and well being. Some of the effects are permanent and will abide with the Plaintiff for a long time into the future, if not for his entire life. These specific injuries and their ill effects have, in turn, caused the Plaintiff physical and mental condition to deteriorate generally and the specific injuries and ill effects alleged have caused and will, in all reasonable probability, cause the Plaintiff to suffer consequences and ill effects of this deterioration throughout his body for a long time in the future, if not for the balance of his natural life. As a further result of the nature and consequences of these injuries, the Plaintiff suffered great physical and mental pain, suffering and anguish and in all reasonable probability, will continue to suffer in this manner for a long time into the future, if not for the balance of his natural life.

27. Additionally, as a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff James Miller was caused to incur the following damages:

- a. Reasonable medical care and expenses in the past. Plaintiff incurred these expenses for the necessary care and treatment of the injuries resulting from the accident complained of herein and such charges are reasonable and were usual and customary charges for such services in the county they were incurred;
- b. Reasonable and necessary medical care and expenses, which will, in all reasonable probability be incurred in the future;
- c. Physical pain and suffering in the past;
- d. Physical pain and suffering, which will, in all reasonable probability be suffered in the future;
- e. Physical impairment in the past;
- f. Physical impairment, which will, in all reasonable probability be suffered in the future;
- g. Lost wages in the past, present and future.

- h. Loss of earning capacity, which will, in all reasonable probability be incurred in the future;
- i. Mental anguish in the past;
- j. Mental anguish which will, in all reasonable probability be suffered in the future;
- k. Disfigurement.

VIII.
EXEMPLARY DAMAGES

28. Plaintiff hereby incorporates each of the foregoing paragraphs herein as if set forth in full in this section.

29. The above-referenced acts and/or omissions by Defendants constitutes malice as that term is defined in Section 41.001(7)(B) Texas Civil Practice and Remedies Code. Defendants were heedless and reckless, constituting an extreme degree of risk, considering the probability and magnitude of the potential harm to others, and Defendants were aware of the risk, but nevertheless proceeded with conscious indifference to the rights, safety, and welfare of others, including Plaintiffs. The above acts and/or omissions were singularly and cumulatively the proximate cause of the occurrence in question and the resulting injuries and damages sustained by Plaintiffs.

30. Defendants' acts or omissions described above, when viewed from the standpoint of Defendants at the time of the act or omission, involved an extreme degree of risk, considering the probability of harm to Plaintiffs and others.

31. Defendants had actual, subjective awareness of the risk involved in the above described acts or omissions, but nevertheless proceeded with conscious indifference to the rights, safety, or welfare of Plaintiff and others.

32. Therefore, for such malice on behalf of Defendants, Plaintiff sues for exemplary

damages in an amount to be determined at trial.

IX.
PREJUDGMENT AND POST-JUDGMENT INTEREST

33. Plaintiff seeks prejudgment and post-judgment interest as allowed by law.

X.
JURY DEMAND

34. In accordance with Rule 216 of the Texas Rules of Civil Procedure, Plaintiff hereby makes application for a jury trial and request that this cause be set on the Court's Jury Docket. In support of his application, the appropriate jury fee has been paid to the Clerk at least thirty (30) days in advance of the trial setting.

XI.
REQUEST FOR DISCLOSURE

35. Pursuant to Rule 194 of the Texas Rules of Civil Procedure, you are requested to disclose within fifty (50) days after service of the citation and petition the information or material described in Rule 194.2 (a) through (l).

XII.
NOTICE OF SELF-AUTHENTICATION-RULE 193.7

36. Pursuant to RULE 193.7 of the TEXAS RULES OF CIVIL PROCEDURE, the Defendants are hereby noticed that the production of any document in response to written discovery authenticates the document for use against that party in any pretrial proceeding or at trial.

PRAYER

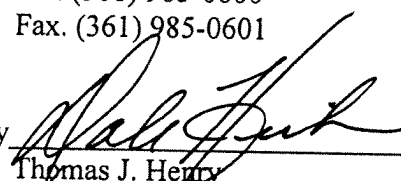
WHEREFORE, PREMISES CONSIDERED, Plaintiff James Miller respectfully prays that the Defendants be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendants, jointly and severally, for actual damages as alleged and exemplary damages, in an amount within the jurisdictional limits of this Court; together

with pre-judgment interest (from the date of injury through the date of judgment) at the maximum rate allowed by law; post-judgment interest at the legal rate, costs of court; and such other and further relief to which the Plaintiff may be entitled at law or in equity.

Respectfully submitted,

THE LAW OFFICE OF THOMAS J. HENRY
521 Starr Street
Corpus Christi, Texas 78401
Tel. (361) 985-0600
Fax. (361) 985-0601

By


Thomas J. Henry

State Bar No. 09484210
Alan Dale Hicks
State Bar No. 09575430

*Email: dhicks-svc@thomasjhenrylaw.co
ATTORNEYS FOR PLAINTIFF

***Service by email to this address only**

Filing Receipt



CASE INFORMATION

Style/Case Name	JAMES ORLEY MILLER JR. V. TRANSPORT DEPOT PRODUCE AND DRY, INC., JULIO A. GALVEZ AND LAZARO RODRIGUEZ
Court Name	Comal County - 22nd District Court
Filing Status	Accepted
Envelope/Draft Number	6231507
Case Category	Civil - Injury or Damage
Case Type	Motor Vehicle Accident
Case No	C2015-1125A

FILING INFORMATION

Filing Type	Petition
Filing Submission Time	Mon Jul 27 2015 11:40:41 AM
Filing Description	Petition
Client Matter No.	James Orley Miller, Jr./14-011441

FILER INFORMATION

Filer Name	DALE HICKS
Email	DHICKS-SVC@THOMASJHENRYLAW.COM
Firm Name	Henry, Thomas J
Address	521 Starr St, Corpus Christi, TX, 78401
Phone	3619850600

BILLING INFORMATION

Account Name	03-MyFileRunner Billing Account
Payment Method	Credit Card
Card Type	VISA
Credit Card #	**** * 6303
Expiration Date	2017/2

DOCUMENTS

DOC TYPE	FILE NAME	DOC DESCRIPTION
Attachments	2015-7-27 case info sheet (1).pdf	Petition
Lead Document	2015-7-27 POP.pdf	Petition

ENVELOPE FEE INFORMATION

Convenience Fee	\$9.64
Total Court Case Fees	\$281.00
Total Court Filing Fees	\$45.50
Total Filing & Service Fees	\$0.00
Total Service Tax Fees	\$0.00
Total Court Service Fees	\$0.00
My File Runner Service Fees	\$6.50
My File Runner Tax Fees	\$0.54
Grand Total	\$343.18

FILING FEE[illegible]

Receipt

Optional Service - Copies - Non-Certified	\$0.25
Optional Service - Copies - Non-Certified	\$0.25
Optional Service - Copies - Non-Certified	\$0.25
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Optional Service - Copies - Non-Certified	\$0.25
Filing & Service Fee	\$0.00
Filing Court Fees	\$45.50

THOMAS J HENRY

INJURY ATTORNEYS

TOLL FREE: 1-800-580-0601 FAX: 1-888-956-8001 TJHLAW.COM

FILED
Dawn Brennan
C2015-1125A
7/28/2015 4:17:44 PM
Heather N. Kellar
Comal County
District Clerk

THOMAS J. HENRY | ROGER L. TURK | MICHAEL E. HENRY† | GEORGE A. DEVERA | RUBEN G. HERRERA | RUSSELL W. ENDSLEY | JAMES D. BASKIN | GLEN F. LARSON
LESLEY PANISZCZYN | STEPHEN F. BECHTOL | DENNIS J. BENTLEY | MATTHEW S. SCUTT | DARIUS KHOSRAVIAN | CECILE W. CRABTREE | GREGGORY A. TETER | OMAR S. RIVERO
CURTIS W. FITZGERALD, II* | TRAVIS E. VENABLE†† | JUSTIN M. DEAN | DAVID TIJERINA | REGINALD BLAKELEY | ANDREW D. POULIS | WESLEY R. VASQUEZ†† | JOHN J. HOPKINS
PHILLIP C. RIPPER | LAURIE DOBSON | MINESH PATEL | SAMUEL R. PALERMO | CHRISTOPHER R. HARRIS | KYLE MATHIS | JORDAN JACKSON | MATTHEW SEAN HULL
ROBERT E. SUMMERLIN | JANICE LINDSEY CORBIN | KELLEN D. McJUNKINS | ALBERTO VELAZQUEZ VARGAS | RICHARD W. HUNNICUTT, III*** | JOSEPHINE LUE | YVETTE TREVINO
BRIAN ROBINSON | ALLEN D. PETTIT | WADE B. REESE | BRYAN W. SCHOEPPEY | WILLIAM R. PRIVETTE | SEAN STOTSKY | MARK TENSMEYER | ROBIN TREVINO | JASON C. GRAFF
ANDREW CROWDER-SCHAEFER | CHRISTOPHER HINSHAW | RYAN ROBERTSON | MARY WILSON | ALEXANDRA FIEDLER | SCOTT SAGER | SANDEE BELL | MELISSA SALINAS
JAYME L. HART††† | ROBERT P. WILSON | JIM MARTIN | TIFFANY GEORGE | BART ALDRICH | HALEY GARCIA | CAITLIN BRATT | STEVEN STRATSO | MARCO CRAWFORD
LORI O. MILLER | CHRIS C. CAMPBELL | ROBERT NEWARK | PETER ZAVALETTA | TAMMY BRUCH CLUCK | XAVIER L. GUERRA | ADREA R. YOSS
ERICA A. WOLFE | DALE HICKS* | CRAIG L. FARRISH | LANDON T. HAYS | WESLEY MUNIZ | KELLY W. ADAMS | TANYA BACHAND

† Licensed in TX, PA | †† Licensed in TX, TN | ††† Licensed in TX, MO | †††† Licensed in TX, KY, IN | *Board Certified - Personal Injury Trial Law | **Board Certified - Civil Trial Law

July 28, 2014

Comal County District Clerk

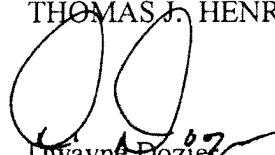
RE: Cause No. C2015-1125A James Orley Miller Jr., v. Transport Depot
Produce and Dry, Inc., Julio A. Galvez and Lazaro Rodriguez

Dear Sir or Madam,

I E-filed the Petition named above, in doing so while adding all the filing fees options I did not check the correct amount of citations I wanted issued. Attached is the filing receipt which shows the request of one citation when the total amount should be three.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me at this office (210) 656-1000 ext. 354.

Very truly yours,
THOMAS J. HENRY, INJURY ATTORNEYS


Dwayne Dozier
Paralegal for Dale Hicks

CORPUS CHRISTI

521 STARR STREET
CORPUS CHRISTI, TEXAS 78401
PHONE: (361) 985-0600

SAN ANTONIO

4715 FREDERICKSBURG, STE 507
SAN ANTONIO, TEXAS 78229
PHONE: (210) 656-1000

AUSTIN

1515 S. CAPITAL OF TEXAS HWY, STE 200
AUSTIN, TEXAS 78746
PHONE: (512) 347-1200

HOUSTON

4900 WOODWAY DR, STE 1040
HOUSTON, TEXAS 77056
PHONE: (713) 338-2525

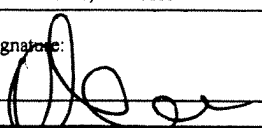
CIVIL CASE INFORMATION SHEET

CAUSE NUMBER (FOR CLERK USE ONLY): _____ COURT (FOR CLERK USE ONLY): _____

STYLED James Orley Miller, Jr., V. Transport Depot Produce and Dry, Inc., Julio A. Galvez and Lazaro Rodriguez

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

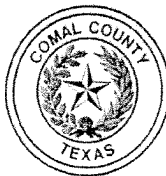
1. Contact information for person completing case information sheet:		Names of parties in case:		Person or entity completing sheet in:	
Name:	Email:	Plaintiff(s)/Petitioner(s):	<input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____		
Dale Hicks	dhicks-svc@tjhlaw.com	James Orley Miller Jr.			
Address:	Telephone:	Defendant(s)/Respondent(s):	Additional Parties in Child Support Case:		
4715 Fredericksburg Rd	(210) 656-1000	Transport Depot Produce and Dry,	Custodial Parent: _____		
City/State/Zip:	Fax:	Inc., Julio A. Galvez and	Non-Custodial Parent: _____		
San Antonio, TX 78229	361-985-0601	Lazaro Rodriguez	Presumed Father: _____		
Signature: 	State Bar No:	[Attach additional page as necessary to list all parties]			
	09575430				

2. Indicate case type or identify the most important issue in the case (select only 1):				
Civil			Family Law	
Contract: <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: _____ Foreclosure: <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract: _____	Injury or Damage: <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation Malpractice: <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input checked="" type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises Product Liability: <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: _____ <input type="checkbox"/> Other Injury or Damage: _____	Real Property: <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: _____ Related to Criminal Matters: <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other: _____	Marriage/Relationship: <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void Divorce: <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law: <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other: _____	Post-judgment Action (non-Title IV-D): <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D: <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocal (UIFSA) <input type="checkbox"/> Support Order Parent-Child Relationship: <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child: _____
Employment: <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment: _____	Other Civil: <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other: _____			
Tax: <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax: _____	Probate & Mental Health Probate/Wills/Intestate Administration: <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other: _____			

3. Indicate procedure or remedy, if applicable (may select more than 1):		
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action	<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment	<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover

4. Indicate damages sought (do not select if it is a family law case):	
<input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input checked="" type="checkbox"/> Over \$1,000,000	

60



NOTICE TO SERVE NON-RESIDENT DEFENDANT
THE STATE OF TEXAS
C2015-1125A

TO: JULIO A GALVEZ
13490 SW 40TH LANE
MIAMI LAKES FL 33016

Defendant, Greeting:

YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorneys do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of 20 days after you were served this citation and petition, a default judgment may be taken against you.

Said Plaintiff's ORIGINAL Petition was filed on the 27th day of July, 2015.

The file number of said suit being No. C2015-1125A.

The style of the case is
JAMES ORLEY MILLER, JR.
VS.

TRANSPORT DEPOT PRODUCE AND DRY INC.; LAZARO RODRIGUEZ; JULIO A GALVEZ

ATTORNEY FOR PLAINTIFF: ALAN DALE HICKS
521 STARR STREET
CORPUS CHRISTI, TEXAS 78401

A copy of plaintiff's petition accompanies this notice. Issued this the 31st day of July, 2015 A.D.

HEATHER N. KELLAR
DISTRICT CLERK
COMAL COUNTY, TEXAS
150 N SEGUIN STE. #304
NEW BRAUNFELS, TEXAS 78130

By: Dawn Brennan DEPUTY
Dawn Brennan

RETURN OF SERVICE
CAUSE NO: C2015-1125A

JAMES ORLEY MILLER, JR.
VS.

TRANSPORT DEPOT PRODUCE AND DRY INC., LAZARO RODRIGUEZ, JULIO A GALVEZ

Executed when copy is delivered:

This is a true copy of the original citation, was delivered to defendant _____, on the ____ day of _____, 20 ____.

_____, Officer

_____, County, Texas

By: _____ Deputy

ADDRESS FOR SERVICE

13490 SW 40TH LANE
 MIAMI LAKES FL 33016

OFFICER'S RETURN

Came to hand on the ____ day of _____, 20 ____, at ____ o'clock ____ M., and executed in _____ County, Texas, by delivering to each of the within named defendants, in person, a true copy of this Citation, with the date of delivery endorsed thereon, together with the accompanying copy of the plaintiff's petition, at the following times and places, to-wit:

NAME	DATE	TIME	PLACE, COURSE & DISTANCE FROM COURTHOUSE

And not executed as to the defendant, _____
 the diligence used in finding said defendant, being: _____
 and the cause or failure to execute this process is: _____
 and the information received as to the whereabouts of said defendant(s) being: _____

FEES-Serving Petition and Copy \$65.00

_____, Officer
 _____, County, Texas
 By: _____, Deputy
 _____, Affiant

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

" My name is _____, my date of birth is _____, and my address is _____
 (First, Middle, Last)

 (Street, City, Zip)

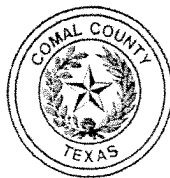
I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

Executed in _____ County, State of _____, on the _____ day of _____.

 Declarant/Authorized Process Server

 (ID # & expiration of certification)

COPY



NOTICE TO SERVE NON-RESIDENT DEFENDANT
THE STATE OF TEXAS
C2015-1125A

TO: LAZARO RODRIGUEZ
5133 SW 149TH PL
MIAMI FL 33185

Defendant, Greeting:

YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorneys do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of 20 days after you were served this citation and petition, a default judgment may be taken against you.

Said Plaintiff's ORIGINAL Petition was filed on the 27th day of July, 2015.

The file number of said suit being No. **C2015-1125A**.

The style of the case is

JAMES ORLEY MILLER, JR.

VS.

TRANSPORT DEPOT PRODUCE AND DRY INC.; LAZARO RODRIGUEZ

ATTORNEY FOR PLAINTIFF: ALAN DALE HICKS
521 STARR STREET
CORPUS CHRISTI, TEXAS 78401

A copy of plaintiff's petition accompanies this notice. Issued this the 31st day of July, 2015 A.D.

HEATHER N. KELLAR
DISTRICT CLERK
COMAL COUNTY, TEXAS
150 N SEGUIN STE. #304
NEW BRAUNFELS, TEXAS 78130

By: *Dawn Brennan* DEPUTY
Dawn Brennan

RETURN OF SERVICE
CAUSE NO: C2015-1125A

JAMES ORLEY MILLER, JR.

VS.

TRANSPORT DEPOT PRODUCE AND DRY INC., LAZARO RODRIGUEZ

Executed when copy is delivered:

This is a true copy of the original citation, was delivered to defendant _____, on the ____ day of _____, 20____.

_____, Officer

_____, County, Texas

By: _____ Deputy

ADDRESS FOR SERVICE

5133 SW 149TH PL
 Miami FL 33185

OFFICER'S RETURN

Came to hand on the ____ day of _____, 20____, at _____ o'clock ____ M., and executed in _____ County, Texas, by delivering to each of the within named defendants, in person, a true copy of this Citation, with the date of delivery endorsed thereon, together with the accompanying copy of the plaintiff's petition, at the following times and places, to-wit:

NAME	DATE	TIME	PLACE, COURSE & DISTANCE FROM COURTHOUSE

And not executed as to the defendant, _____
 the diligence used in finding said defendant, being: _____
 and the cause or failure to execute this process is: _____
 and the information received as to the whereabouts of said defendant(s) being: _____

FEES-Serving Petition and Copy \$65.00

_____, Officer
 _____, County, Texas
 By: _____, Deputy
 _____, Affiant

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

" My name is _____, my date of birth is _____, and my address is _____
 (First, Middle, Last)

 (Street, City, Zip)

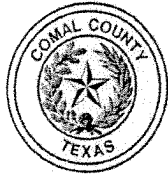
I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

Executed in _____ County, State of _____, on the _____ day of _____.

 Declarant/Authorized Process Server

 (ID # & expiration of certification)

COPY



CIVIL CITATION-AGENT
THE STATE OF TEXAS
C2015-1125A

TO: Transport Depot Produce and Dry Inc.
upon whom process of service may be had by serving

JULIO GALVEZ
8040 NW 155TH STREET, SUITE 201
MIAMI LAKES, FLORIDA 33016

Defendant, Greeting:

YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of 20 days after you were served this citation and petition, a default judgment may be taken against you. Said Plaintiff's ORIGINAL Petition was filed in said Court, on the 27th day of July, 2015A.D. in this cause numbered C2015-1125A on the docket of said 22nd District Court, and styled,

JAMES ORLEY MILLER, JR.

VS.

TRANSPORT DEPOT PRODUCE AND DRY INC.; LAZARO RODRIGUEZ

The nature of Plaintiff's demand is fully shown by a true and correct copy of Plaintiff's ORIGINAL Petition, accompanying this citation, and made a part hereof.

ATTORNEY FOR PLAINTIFF: ALAN DALE HICKS
521 STARR STREET
CORPUS CHRISTI, TEXAS 78401

The officer executing this writ shall forthwith serve the same according to requirements of law, and the mandates hereof, and make due return as the law directs.

Issued and given under my hand and the seal of said court at New Braunfels, Texas, this the 31st day of July, 2015 A.D.

HEATHER N. KELLAR
DISTRICT CLERK
COMAL COUNTY, TEXAS
150 N. SEGUIN STE. 304
NEW BRAUNFELS, TEXAS 78130

By Dawn Brennan DEPUTY
Dawn Brennan

RETURN OF SERVICE
CAUSE NO: C2015-1125A

JAMES ORLEY MILLER, JR.

VS.

TRANSPORT DEPOT PRODUCE AND DRY INC., LAZARO RODRIGUEZ

Executed when copy is delivered:

This is a true copy of the original citation, was delivered to defendant _____
 on the ____ day of _____, 20____.

_____, Officer

_____, County, Texas

By: _____, Deputy

OFFICER'S RETURN

Came to hand on the ____ day of _____, 20____, at _____ o'clock ____ M., and executed in
 _____ County, Texas, by delivering to each of the within named defendants, in person, a true copy of this
 Citation, with the date of delivery endorsed thereon, together with the accompanying copy of the plaintiff's
 petition, at the following times and places, to-wit:

NAME	DATE	TIME	PLACE, COURSE & DISTANCE FROM COURTHOUSE

And not executed as to the defendant, _____
 the diligence used in finding said defendant, being: _____
 and the cause or failure to execute this process is:

_____ and the information received as to the whereabouts of said defendant(s) being:

FEES-Serving Petition and Copy \$65.00

_____, Officer
 _____, County, Texas
 By: _____, Deputy
 _____, Affiant

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

" My name is _____, my date of birth is _____, and my address is
 (First, Middle, Last)

 (Street, City, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

Executed in _____ County, State of _____, on the _____ day of _____.

 Declarant/Authorized Process Server (ID # & expiration of certification)
 SUBSCRIBED AND SWORN TO BEFORE ME by the said _____ this the _____ day of
 _____ 20____ to certify which witness my hand and seal of office.

 Notary Public, State of Texas

Notary's Name Printed:

 My commission expires _____

FILED

Dawn Brennan
 C2015-1125A
 9/3/2015 10:02:16 AM
 Heather N. Kellar
 Comal County
 District Clerk

america★first

325 N. St. Paul Street
 Suite 1900
 Dallas, TX 75201
 800-497-7618
 800-311-8300 (fax)

CLERK OF THE 22ND JUDICIAL DISTRICT COURT
 150 N. SEGUIN

NEW BRAUNFELS TX, 78130

CAUSE NO. C2015-1125A

JAMES ORLEY MILLER, JR.	§	IN THE DISTRICT COURT
VS	§	COMAL COUNTY, TEXAS
TRANSPORT DEPOT PRODUCE AND DRY,	§	
INC., JULIO A. GALVEZ AND LAZARO	§	
RODRIGUEZ	§	22ND JUDICIAL DISTRICT

Regarding Deposition by Written Questions

Directed to the Custodian of Records for: **SANJEL OIL COMPANY**

Pertaining to **JAMES ORLEY MILLER**

The witness was duly sworn and the transcript attached is a true record of the testimony given by the witness. The deposition was signed by the witness and returned on 08/25/2015. Changes made by the witness, if any, in the transcript are attached or incorporated hereto. The original deposition transcript, together with copies of all exhibits, were provided to the attorney or party who asked the first question appearing in the transcript for safekeeping and use at trial. The charges for the preparation of the completed deposition transcript and any copies of the exhibits are to be paid for by the attorney for the Plaintiff and total \$108.00.

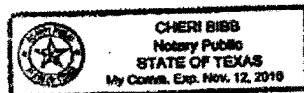
Attorneys of Record follow:

DALE HICKS

I certify that a true and correct copy of the foregoing instrument was mailed to the respective parties or attorneys of record, postage prepaid, was hand delivered, or transmitted by facsimile.

Allyson King
 AFFIANT

SWORN TO AND SUBSCRIBED BEFORE ME ON 08/26/2015



Cheri E. Bibb
 Notary Public in and for
 The State of Texas

CAUSE NO. C2015-1125A

JAMES ORLEY MILLER, JR.

Plaintiff

v.

TRANSPORT DEPOT PRODUCE
AND DRY, INC., JULIO A. GALVEZ
AND LAZARO RODRIGUEZ*Defendants*§
§
§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT

22ND JUDICIAL DISTRICT

COMAL COUNTY, TEXAS

**DEFENDANTS, TRANSPORT DEPOT PRODUCE AND DRY, INC., JULIO A. GALVEZ,
AND LAZARO RODRIGUEZ'S, ORIGINAL ANSWER**

TO THE HONORABLE JUDGE OF SAID COURT:

TRANSPORT DEPOT PRODUCE AND DRY, INC., JULIO A. GALVEZ and LAZARO RODRIGUEZ, Defendants herein, file this, their Original Answer to Plaintiff's Original Petition, and would respectfully show to the Court as follows:

I.**GENERAL DENIAL**

Defendants deny generally the allegations contained in Plaintiff's Original Petition and request for a trial of the issues before a jury.

II.

Additionally, Defendant JULIO A. GALVEZ denies that he is liable in the capacity in which he has been sued, that is, individually.

WHEREFORE, PREMISES CONSIDERED, Defendants pray for judgment and general relief.

Respectfully submitted,


dc m Davis, Cedillo : Mendoza, INC.
ATTORNEYS AT LAW
McCombs Plaza, Suite 500
755 E. Mulberry Avenue
San Antonio, Texas 78212
Telephone No.: (210) 822-6666
Telecopier No.: (210) 822-1151

By: /s/ Isaac J. Huron
RONALD E. MENDOZA
State Bar No. 13937700
rmendoza@lawdcm.com
ISAAC J. HURON
State Bar No. 24032447
ihuron@lawdcm.com

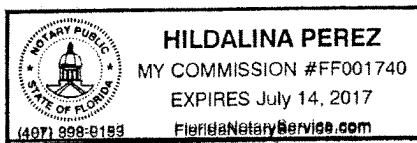
ATTORNEYS FOR DEFENDANTS,
TRANSPORT DEPOT PRODUCE AND DRY,
INC., AND JULIO A. GALVEZ

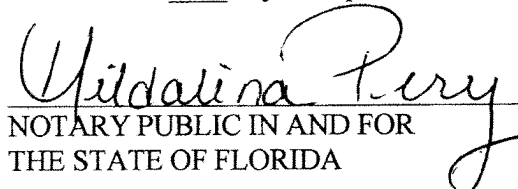
STATE OF FLORIDA §
 §
COUNTY OF MIAMI-DADE §

BEFORE ME, the undersigned authority, on this day personally appeared Julio A. Galvez, who, on his oath, stated that he is one of the Defendants herein; that he is duly authorized to make this affidavit and states that the facts set out in paragraph II above are true and correct.


JULIO A. GALVEZ

SUBSCRIBED and SWORN TO before me on this 12th day of September, 2015, to certify which witness my hand and seal of office.




NOTARY PUBLIC IN AND FOR
THE STATE OF FLORIDA

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing document was served on counsel of record by certified mail, return receipt requested, and/or facsimile and/or electronic transmission on this the 14th day of September, 2015, as follows:

Thomas J. Henry
Alan Dale Hicks
THE LAW OFFICE OF THOMAS J. HENRY
521 Starr Street
Corpus Christi, Texas 78401
Fax: (361) 985-0601
tjhenry@thomasjhenrylaw.com
dhicks-svc@thomasjhenrylaw.com
ATTORNEYS FOR PLAINTIFF

/s/ Isaac J. Huron

RONALD E. MENDOZA
ISAAC J. HURON